

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

OCT 30 2009

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY JM DEPUTY CLERK

CITY OF SAN ANTONIO, TEXAS,
on behalf of itself and all other
similarly situated Texas Cities

Plaintiffs

v.

HOTELS.COM, , et al

Defendants

CIVIL NO. SA-06-CA-381-OG
A CLASS ACTION

Verdict of the Jury

Question No. 1

Claim under the ordinances

Do you find by a preponderance of the evidence that the following Defendants have been
or are currently "controlling hotels" under the Cities' hotel occupancy tax ordinances?

Answer "Yes" or "No" for each Defendant, as listed in alphabetical order.

Expedia, Inc.

YES

Hotels.com., L.P.

YES

Hotwire, Inc.

YES

Internetwork Publishing Corp. (d/b/a Lodging.com)

YES

Orbitz, LLC

YES

Priceline.com, Incorporated

YES

Site59.com, LLC

YES

TravelNow.com, Inc.

YES

Travelocity.com, L.P.

YES

Travelweb LLC

YES

Trip Network, Inc. (d/b/a Cheaptickets.com)

YES

Please proceed to Question No. 2

Question No. 2Damages under the ordinance claim

If you answered "Yes" as to any of the Defendants in Question No. 1, then answer the following question with regard to those Defendant(s) only. If you answered "No" as to any or all of the Defendants in Question No. 1, then do not answer this Question as to those Defendant(s).

State the amount, if any, that Defendants should have paid as hotel occupancy taxes on the amounts they charged for hotel transactions pursuant to the Cities' ordinances.

Answer in dollars and cents as to each Defendant with regard to the following categories.

Do not include interest on any amount you may find.

	Mark-up/Margin	Breakage	Extra person fee
Expedia, Inc.	<u>5,401,609</u>	<u>732,119</u>	<u>35,312</u>
Hotels.com., L.P.	<u>6,481,030</u>	<u>758,455</u>	<u>32,574</u>
Hotwire, Inc.	<u>1,469,084</u>	<u>198,909</u>	<u>-</u>
Internetnetwork Publishing Corp. (d/b/a Lodging.com)	<u>374,834</u>	<u>42,269</u>	<u>-</u>
Orbitz, LLC	<u>832,533</u>	<u>281,824</u>	<u>-</u>

Priceline.com, Incorporated	<u>1,787,120</u>	<u>126,116</u>	<u>-</u>
Site59.com, LLC	<u>159,761</u>	<u>1,447</u>	<u>-</u>
TravelNow.com, Inc.	<u>-</u>	<u>-</u>	<u>-</u>
Travelocity.com, L.P.	<u>1,332,117</u>	<u>-</u>	<u>-</u>
Travelweb LLC	<u>106,513</u>	<u>8,757</u>	<u>-</u>
Trip Network, Inc. (d/b/a Cheaptickets.com)	<u>374,834</u>	<u>42,269</u>	<u>-</u>

Please proceed to Question No. 3

Question No. 3

Conversion claim

Do you find by a preponderance of the evidence that the following Defendants have converted alleged tax monies belonging to the Cities?

Answer "Yes" or "No" for each Defendant, as listed in alphabetical order.

Expedia, Inc.	<u>No</u>
Hotels.com., L.P.	<u>No</u>
Hotwire, Inc.	<u>No</u>
Internetwork Publishing Corp. (d/b/a Lodging.com)	<u>No</u>
Orbitz, LLC	<u>No</u>
Priceline.com, Incorporated	<u>No</u>
Site59.com, LLC	<u>No</u>
TravelNow.com, Inc.	<u>No</u>
Travelocity.com, L.P.	<u>No</u>

Travelweb LLC

No

Trip Network, Inc. (d/b/a Cheaptickets.com)

No

Please proceed to Question No. 4

Question No. 4

Compensatory damages under the conversion claim

If you answered "Yes" as to any of the Defendants in Question No. 3, then answer the following question with regard to those Defendant(s) only. If you answered "No" as to any or all of the Defendants in Question No. 3, then do not answer any further Questions as to those Defendant(s).

State the sum of alleged tax monies, if any, that Defendants converted, proximately causing damage to the Cities.

Answer in dollars and cents as to each Defendant. Do not include interest on any amount you may find.

Expedia, Inc.

Hotels.com., L.P.

Hotwire, Inc.

Internetwork Publishing Corp. (d/b/a Lodging.com)

Orbitz, LLC

Priceline.com, Incorporated

Site59.com, LLC

TravelNow.com, Inc.

Travelocity.com, L.P.

Travelweb LLC _____

Trip Network, Inc. (d/b/a Cheaptickets.com) _____

Please proceed to Question No. 5

Question No. 5

Requisite mental state for punitive damages

If you answered Question No. 4 as to any of the Defendants, then answer the following question with regard to those Defendant(s) only. If you did not answer Question No. 4 as to any or all of the Defendants, then do not answer any further Questions as to those Defendant(s).

Do you find by clear and convincing evidence that any Defendant acted with malice or gross negligence when it converted alleged tax monies belonging to the Cities?

Answer "Yes" or "No" for each Defendant, as listed in alphabetical order.

Expedia, Inc. _____

Hotels.com., L.P. _____

Hotwire, Inc. _____

Internetnetwork Publishing Corp. (d/b/a Lodging.com) _____

Orbitz, LLC _____

Priceline.com, Incorporated _____

Site59.com, LLC _____

TravelNow.com, Inc. _____

Travelocity.com, L.P. _____

Travelweb LLC _____

Trip Network, Inc. (d/b/a Cheaptickets.com) _____

Please proceed to Question No. 6

Question No. 6

Punitive damages

Answer the following Question with regard to any Defendant for which you have: (1) answered "Yes" to Question No. 5 as to that Defendant and (2) awarded an amount of compensatory damages against that Defendant in Question No. 4. Otherwise, do not answer this Question.

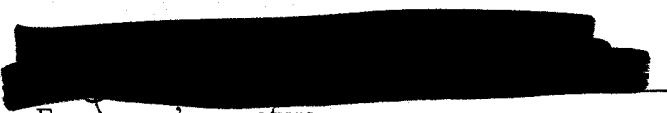
What sum of money, if paid now in cash, should be assessed as punitive damages, if any, against such Defendant(s) for its conduct found in Questions 3 and 5?

Answer in dollars and cents.

Expedia, Inc.	_____
Hotels.com., L.P.	_____
Hotwire, Inc.	_____
Internetnetwork Publishing Corp. (d/b/a Lodging.com)	_____
Orbitz, LLC	_____
Priceline.com, Incorporated	_____
Site59.com, LLC	_____
TravelNow.com, Inc.	_____
Travelocity.com, L.P.	_____
Travelweb LLC	_____
Trip Network, Inc. (d/b/a Cheaptickets.com)	_____

You have now completed the verdict form. The Foreperson will sign this verdict form and notify the court security officer that you have reached a verdict.

We, the jury, have unanimously answered the preceding questions in accordance with the instructions of the Court.


Foreperson's signature

10-30-09
Date